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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN  
CALIFORNIA HEALTH AND WELFARE  
11 TRUST FUND, et al.

12 Plaintiffs,

13 v.

14 JOHN JOSEPH NACZKOWSKI, Individually and  
dba FLOORING SPECIALIST,

15 Defendant.  
16  
17

Case No.: C08-5464 MHP

**NOTICE OF VOLUNTARY DISMISSAL**

18  
19 PLEASE TAKE NOTICE that pursuant to F.R.C.P. Rule 41(a)(1), Plaintiffs DISTRICT  
20 COUNCIL 16 NORTHERN CALIFORNIA HEALTH AND WELFARE TRUST FUND, et al.,  
21 voluntarily dismiss, without prejudice, their claim against Defendant JOHN JOSEPH  
22 NACZKOWSKI individually and dba FLOORING SPECIALIST. Defendant has neither served  
23 an answer nor moved for summary judgment, and Plaintiffs have not previously filed or dismissed  
24 any similar action against Defendant.

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1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 23rd day of September, 2009, at San Francisco, California.

4 SALTZMAN & JOHNSON  
5 LAW CORPORATION

6 By: \_\_\_\_\_/s/\_\_\_\_\_

7 Muriel B. Kaplan  
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 This case is dismissed without prejudice.

11  
12 Date: 9/24/2009



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On September 23, 2009, I served the following document(s):

**NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**John J. Naczkowski dba Flooring Specialist  
11101 Chula Vista Avenue  
San Jose, CA 95127**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 23rd day of September, 2009, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Qui X. Lu